

House Bill 1161

By: Representative Chambers of the 81st

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 50 of the Official Code of Georgia Annotated, relating to state government,
2 so as to require each department, commission, authority, and agency of the executive branch
3 of government to provide certain financial reports annually to the General Assembly; to
4 provide for the contents of such reports; to provide for the time of submitting such reports;
5 to provide for the creation and maintenance of a website which provides public access to
6 certain state expenditure information; to provide for a short title; to provide for procedures,
7 conditions, and limitations; to provide for powers, duties, and authority of the Department
8 of Audits and Accounts and the Department of Revenue; to provide for related matters; to
9 repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
13 by adding a new Code section to read as follows:

14 "50-4-8.

15 (a) As used in this Code section, the term 'agency' shall mean each department,
16 commission, authority, and agency of the executive branch of government.

17 (b) On or before September 30, 2007, and on or before September 30 of each following
18 year, each agency shall file with the presiding officers of each house of the General
19 Assembly and with the chairpersons of the Senate Appropriations Committee, the House
20 Committee on Appropriations, and the House Committee on Budget and Fiscal Affairs
21 Oversight a report covering the immediately preceding fiscal year that contains the
22 information required by this Code section.

23 (c) The report required by this Code section shall contain:

24 (1) A statement of the tax revenues and operating revenues received by the agency
25 during the immediately preceding fiscal year;

(2) A statement of the total expenditures made by the agency during the immediately preceding fiscal year;

(3) A list of all written contracts entered into by the agency during the immediately preceding fiscal year which call for the agency to expend at any time in the aggregate more than \$50,000.00;

(4) A list of any employment or consultant contracts, whether or not in writing, under which the employee or consultant is to be compensated more than \$20,000.00, including direct and indirect or deferred benefits. When a person or firm whose salary or fee is reportable under this paragraph shall have his or her compensation increased at any time, the amount of such increase and the total new rate shall be reported for the period in which the increase takes effect. The list of contracts shall state the anticipated amount of funds to be paid thereunder or the formula for determining such amount;

(5) A list of the names of each person, firm, or corporation that has received from the agency during the immediately preceding fiscal year payments in excess of \$20,000.00, including the amount paid to such person, firm, or corporation during such period; and

(6) A list of consultant expenses and other professional services expenses; salaries and expenses of full-time and part-time employees and board members; and payments rendered by outside companies or agencies to the agency for any and all services. Social security numbers shall not be used as employee identifiers in these reports.

(d) The report required by this Code section shall be in addition to any other reports that an agency shall make to the General Assembly pursuant to other provisions of law."

SECTION 2.

Said title is further amended by adding a new Code section to read as follows:

"50-6-32.

(a) This Code section shall be known and may be cited as the 'Transparency in Government Act.'

(b) As used in this Code section, the term:

(1) 'Expenditure of state funds' means the expenditure of all appropriated or nonappropriated funds by a state entity from the state treasury in forms including, but not limited to:

(A) Grants;

(B) Contracts;

(C) Subcontracts;

(D) Tax refunds, rebates, or credits;

(E) Payments made through economic and incentive programs operated by the Department of Economic Development, the Department of Labor, the Department of

1 Community Affairs, the Department of Agriculture, and the Georgia Lottery
2 Corporation; and

3 (F) Expenditures from the Revenue Shortfall Reserve;

4 (2) 'Expenditure of state funds' shall not mean the transfer of funds between two state
5 agencies or payments of state or federal assistance to an individual.

6 (3) 'Searchable website' means a website that allows the public to search and aggregate
7 information identified in subsection (c) of this Code section.

8 (c)(1) No later than January 1, 2008, the department shall develop and operate a single,
9 searchable website accessible at no cost by the public that provides information for each
10 expenditure of state funds, including, but not limited to:

11 (A) The name and principal location or residence of the entity or recipients of the
12 funds;

13 (B) The amount of state funds expended;

14 (C) The type of transaction;

15 (D) The funding or expending agency;

16 (E) The budget program source;

17 (F) A descriptive purpose of the funding action or expenditure; and

18 (G) Any other relevant information specified by the Department of Audits and
19 Accounts.

20 (2) In addition, such searchable website shall include the most recent lost revenues report
21 prepared by the Department of Revenue in accordance with subsection (g) of this Code
22 section. Such report shall be posted within 15 days of its release.

23 (d) The searchable website provided for in this Code section shall include data for the
24 2007-2008 fiscal year as it becomes available and each fiscal year thereafter. Such data
25 shall be available on the searchable website no later than 30 days after the last day of the
26 preceding fiscal year.

27 (e) All agencies of state government shall provide to the Department of Audits and
28 Accounts such information as is necessary to accomplish the purposes of this Code section.

29 (f) Nothing in this Code section shall require the disclosure of information which is
30 considered confidential by state or federal law.

31 (g) The Department of Revenue shall prepare or cause to be prepared a report on all
32 provisions of state tax law that reduce state revenue through exclusions, deductions, credits,
33 exemptions, deferrals, or other preferential tax treatments. Such report shall be entitled
34 'Lost Revenue Report.' The report shall be prepared by October 1 of each year and shall
35 be submitted to the Governor, the Lieutenant Governor, and the Speaker of the House of
36 Representatives. The Department of Revenue may prepare and submit supplements to the
37 report at other times of the year if additional or updated information relevant to the report

1 becomes available. The report shall include, for the previous fiscal year, the department's
2 best estimate of the amount of state revenue that would have been collected but for the
3 existence of each such exclusion, deduction, credit, exemption, deferral, or other
4 preferential tax treatment allowed by law. The Department of Revenue may request the
5 assistance of other state agencies as may be needed to prepare the report. The Department
6 of Revenue shall be authorized to require any recipient of a tax incentive or tax expenditure
7 to report to the department such information as requested so that the department may fulfill
8 its obligations as required by this subsection. The Department of Revenue may require this
9 information to be submitted in an electronic format. The Department of Revenue may
10 disallow any future claim of a person for a tax incentive due to such person's failure to file
11 a report as required under the authority of this subsection. The Department of Revenue
12 may consult with the Department of Audits and Accounts to develop a reporting system to
13 obtain the information requested in the least burdensome manner on the taxpayer."

14 **SECTION 3.**

15 All laws and parts of laws in conflict with this Act are repealed.